

REMARKS

In accordance with the foregoing, the claims are amended, cancelled without disclaimer or prejudice and new claims are added. Thus, pending claims remain for reconsideration, which is requested. No new matter is added. The rejections are traversed.

The specification is objected to for allegedly not having proper antecedent basis for the computer readable medium claims 6, 9, 10 and 12, and these claims 6, 9, 10 and 12 are also rejected under 35 USC 112, first paragraph, for failing to comply with the written description requirement, because allegedly the computer readable medium is not described in the specification.

Page 1 lines 5 to 7 of the Specification states "The present invention relates to an apparatus and a program suitable for creating/editing an animation on which the real world is reflected." FIG. 1 shows a computer. At the time the present application was filed, it was a public known art to store a program in a computer-readable storage medium in order to supply the program (it was so well-known that there was no need to give evidence of this). Therefore, at the time the present application was filed, a person skilled in the art could reasonably rely on the description of the Specification to execute the inventions of claims 6, 9, 10 and 12. In other words, the written description requirement is complied with and there is no ground for the objection to be expressed. Further, the specification is amended to comply with 37 CFR 1.75(d)(1) and original claim 6 supports the amendment.

Withdrawal of the rejection and the objection is requested.

Rejection of claims 1, 5, 6 and 10 under 35 U.S.C. 103(a)

The Office Action rejects claims 1, 5, 6 and 10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,629,065 issued to Gadh et al. (hereinafter referred to as "Gadh") in view of Werner (US Publication 20020067464).

The Office Action rejects claims 4, 9, 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Gadh in view of Werner and further in view of U.S. Patent No. 6,812,924 issued to Kondo.

The independent claims are 1 and 6, which are amended to require the limitations of dependent claims 5 (and 10), respectively. The Examiner considers that Gadh describes the features of current claims 5 and 10 (page 7 paragraph 2 through page 8 paragraph 1 of the Office Action). However, the Office Action confuses editing rules described in current claims 5

and 10, which relate to the relationship between “an operation instructions sequence” and “an object operation instruction,” with Gad’s design constraint that relates to an object/objects.

In other words, Gad merely describes examples of the following design constraints (refer to column 20 lines 13 to 47 and column 23 lines 1 to 14 that are relied upon by the Office Action):

- “r2 is added to b1 and afterwards may be moved in either direction. During this re-location, r2 continues to lie on the surface of b1”,
- “the system responds by relocating the rib to the left edge taking into account the viewpoint of the designer,” and
- “minimum distance x^* between any two ribs r_i and r_j ($i \neq j$)”

In contrast, the editing rules in amended claims 1 and 6 define the relationship between “an operation instructions sequence” and “an object operation instruction.” Further, Werner is only relied upon for allegedly discussing the claimed “discontinuity detecting unit” and “complementary instruction generating unit.” A prima facie case of obviousness based upon Gad and Werner cannot be established, because there is no evidence expressly or implicitly that one skilled in the art would modify Gad’s object design constraints to achieve the claimed “editing rules” that relate to the relationship between “an operation instructions sequence” and “an object operation instruction,” namely:

an editing rule storing unit storing editing rules for editing the operation instructions sequence when an object operation instruction is inserted/deleted/moved in/from/within the operation instructions sequence, when an animation is edited; and

an operation instruction editing unit referencing the editing rules, and preventing/avoiding an input operation if the input operation for inserting/deleting/moving an object operation instruction which violates the editing rules in/from/within the operation instructions sequence is input to the operation instruction editing unit.

Withdrawal of the rejections is requested.

NEW DEPENDENT CLAIMS

Allowance of dependent claims 13 and 14 is requested. New dependent claims recite an example of the "editing rules" and an example of the relationship between the "operation instructions sequence" and the "object operation instruction," namely:

the editing rules includes at least a first editing rule and a second editing rule,

the first editing rule indicates that a target object of the object operation instruction must be in a disassembled state if the object operation instruction to move the target object is inserted in the operation instructions sequence, and

the second editing rule indicates that a first object operation instruction to move/rotate a target object must be moved without changing an order of the first object operation instruction and a second object operation instruction to change a constraint condition to disassemble/assemble the target object, if the first object operation instruction is moved within the operation instructions sequence.

Claim 13 is supported by the editing rules (1) and (2) on page 15 line 18 through page 16 line 3 of the Specification, Fig. 49 and the description of Fig. 49 (page 50 line 12 through page 51 line 14). Dependent claims 13 and 14 are patentably distinguishing over Gadh and Werner and allowance thereof is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

/Mehdi D. Sheikerz/

Date: June 16, 2008

By: _____
Mehdi D. Sheikerz
Registration No. 41,307

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501